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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,773	06/23/2003	Edward A. Youngs	020366-067210US	9495
83809	7590	10/18/2011	EXAMINER	
Qwest Communications International Inc. 1801 California Street, # 900 Denver, CO 80202				MANOHARAN, MUTHUSWAMY GANAPATHY
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/601,773 Examiner MUTHUSWAMY MANOHARAN	YOUNGS ET AL. Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 05 August 2011.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) Claim(s) 30-34, 40 and 44-51 is/are pending in the application.
  - 5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 6) Claim(s) \_\_\_\_\_ is/are allowed.
- 7) Claim(s) 30-34, 40 and 44-51 is/are rejected.
- 8) Claim(s) \_\_\_\_\_ is/are objected to.
- 9) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/10/2011</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 30-34, 40 and 44-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick et al. (hereinafter McCormick) (US 6,169,894) in view of Peters et al. (hereinafter Peters) (US 6246430).**

Regarding **claim 30**, McCormick discloses a method for providing transmission of a selected media program to a plurality of wireless handsets deployed in a wireless network having at least one cell site coverage area associated therewith (Abstract and Figure 1), the method comprising:

receiving a first request to receive a selected media program from a first wireless handset in a first cell site coverage area (Figure 3, steps 300 and column 6, lines 17 to 27);

establishing a wireless channel upon which to broadcast the selected media program in the cell site coverage area (Figure 3, step 310 and col. 6, lines 30-50);

broadcasting the selected media program to the first wireless handset over the wireless channel as one-way phone call having no return audio path (muting the reverse voice channels during such broadcast, abstract; local cell site mutes the voice channel

of the particular mobile unit such that the mobile unit user does not interfere with the broadcast channel, col. 6, lines 60-65);

establishing a return data-command path over the wireless channel adapted to receive a media selection or a phone call from the first wireless handset(transmits the feature code ... is a request for information over a broadcast channel, col. 6, line 29; reverse message channel, col. 6, lines 65-66; col. 6, lines 16-67);

receiving a second request to receive a selected media program from a second wireless handset(col. 6, lines 59-66, as the reference discloses that multiple users may use the broadcast channel, therefore receiving a request is repeated multiple times);

determining whether the second wireless handset is located within the first cell site coverage area("the switch then determines that the feature code is a request for information over a broadcast channel and directs a local site", Col. 6, lines 31-33; therefore, teaches associating channel with site coverage area and also checking whether the handset is in a particular coverage area);

transmitting the selected media program to the second wireless handset, based on a determination of whether the second wireless handset is located within the first cell site coverage area(col. 6, lines 40-50; McCormick teaches one or more transceivers within the particular cell site will be directed to tune to a particular frequency at a particular time are requested to tune to a particular frequency(requires a determination that the second wireless handset is within the first cell site)).

McCormick did not disclose specifically the request corresponding to a selection from a list of available media programs presented to a subscriber on a display of the wireless handset.

However, Peters teaches in an analogous art a method wherein the request corresponding to a selection from a list of available media programs presented to a subscriber on a display of the wireless handset (col. 2, lines 62-67; col. 3, lines 1-10 and lines 46-67; server transmits a list of the different video signal in the form of a menu to the customer equipment...the desired selection number is entered by the customer via the numeric keypad).

Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use a method wherein the request corresponding to a selection from a list of available media programs presented to a subscriber on a display of the wireless handset in order to make the selection in a user friendly manner.

The combination of McCormick and Peters did not teach specifically receiving a second request

**Claim 40** is rejected for the same reason as set forth in claim 30.

McCormick discloses all the steps/elements of dependent **claims 31 and 47**, including, wherein the selected media program comprises a selection from a group consisting of: a cable program, a television program, a satellite program, and a radio program (column 3, lines 39 to 44).

McCormick discloses all the steps/elements of dependent **claims 32 and 45**, including wherein the selected media program comprises a pre-recorded media program (Col. 3, lines 35-62).

McCormick discloses all the steps/elements of dependent **claims 33 and 46**, including wherein the selected media program comprises a real-time transmission (Col. 3, lines 35-62).

McCormick discloses all the steps/elements of dependent **claims 34 and 48**, including wherein the selected media program comprises a selection from a group consisting of: audio program (Id.), video program, and data transmission (Id.).

McCormick discloses all the elements of dependent **claim 44**, wherein the source provider is the wireless network (local cell and Figure 1).

McCormick discloses all the elements of dependent **claim 49**, wherein the wireless network communication scheme comprises a selection from a group consisting of: TDMA, FDMA, and CDMA (column 6, line 35).

McCormick discloses all the elements of dependent **claim 50**, wherein: determining whether the second handset is located within the first cell site coverage area comprises determining that the second wireless handset is not located within the first cell site coverage area; and transmitting the selected media program to the second wireless handset comprises transmitting the selected media program using an available wireless channel in a second cell site coverage area in which the second wireless handset is located(McCormick teaches different geographic regions will carry different information on each or many of its various broadcast channels (col. 7, lines 5-25) and

also teaches plurality of users (col. 6, lines 59-63) and also teaches different information broadcasts as each mobile traverses different regions(therefore, determining the location of the handsets); col. 7, lines 5-25).

McCormick discloses all the elements of dependent **claim 51**, wherein: determining whether the second handset is located within the first cell site coverage area comprises determining that the second wireless handset is not located within the first cell site coverage area; and transmitting the selected media program to the second wireless handset comprises transmitting the selected media program using second wireless channel upon which to transmit the selected media program(McCormick teaches multiple users and also teaches different information broadcasts as each mobile traverses different regions(therefore, determining the location of the handsets); col. 7, lines 5-25; In Figure 2, cell site 130c has transceivers 120c1 and 120c2 nd each such transceiver may be broadcasting different or varied information within the particular sector of the geographic region(first cell site) , col. 5, lines 25-40).

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are not persuasive.

Applicant argues that switch of McCormick need no determination at all about the cell site coverage area of the requesting handset.

Examiner respectfully disagrees.

McCormick teaches(Col. 6, lines 30-40), "local site receives the feature code from the mobile unit and transmits the feature code to the appropriate switch...switch determines that the feature code is a request for information over a broadcast channel and directs the local site (directs the local site where the wireless handset is located) to connect a mobile channel A".

Applicant argues that, "not only does McCormick fails to disclose any determination that two handsets requesting the same program are within the same cell site coverage area, McCormick's system has no need of any such determination, so it would not be obvious to one skilled in the art to modify McCormick's system to operate as recited in claim 30.

Examiner respectfully disagrees.

McCormick further teaches(col. 6, lines 55-62) " switch keeps track that a subscriber is using the requested broadcast channel in the local site 1 .....multiple users may be utilizing the same broadcast channel to receive the same information".

(The above procedure is being repeated for multiple handsets(users) that includes first and second handset and further assigns same broadcast channel to receive the same information form a cell site)

Applicant further argues that nothing in McCormick suggests that the transmission of a selected media program is based on the determination of whether the second wireless handset is located within the same cell site coverage area as the first handset“.

Examiner respectfully disagrees.

McCormick teaches(Col. 6, lines 30-40), "local site receives the feature code from the mobile unit and transmits the feature code to the appropriate switch...switch determines that the feature code is a request for information over a broadcast channel and directs the local site (**directs the local site where the wireless handset is located**) to connect a mobile channel A(**based on the determination the handset is located within the coverage area of the local site and also requesting the same information. Further these steps are done for plurality of handsets and therefore based on the determination of whether the second wireless handset is located within the same cell site coverage area as the first handset**)".

All the determination steps are used for assigning the same channel or different channel for handsets located within the coverage area of a local site.

McCormick further teaches (col. 5, lines 35-40), "depending upon local conditions specific to each such geographic region or sector within each geographic region broadcast channel is potentially and likely to be varied and different from each of the other broadcast channels".

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUTHUSWAMY MANOHARAN whose telephone number is (571)272-5515. The examiner can normally be reached on 6:30am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Muthuswamy G Manoharan/

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Examiner, Art Unit 2617

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617